

**MINUTES**

**OF THE**

**NATURAL RESOURCE COMMISSION**

**MEETING**

**APRIL 12, 2007**

**WAPSI RIVER ENVIRONMENTAL EDUCATION CENTER**  
**DIXON, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Schneider at 8:30 a.m. on Thursday, April 12, 2007 at the Wapsi River Environmental Education Center, Dixon, Iowa.

### MEMBERS PRESENT

Joan Schneider  
Carol Kramer  
Richard Kim Francisco  
Lennis Moore  
Elizabeth Garst

### MEMBERS ABSENT

Janice Marcantonio

Commissioner Schneider welcomed newly appointed commissioners, Greg Drees and Janelle Rettig, who were in attendance at the meeting. She also thanked staff that was instrumental in providing the tour of Lost Grove Lake, the Mike Bauer Tree Farm and a direct seeding, as well as information on the Emerald Ash Borer.

### APPROVE AGENDA

*Motion was made by Commissioner Francisco to approve the April 12, 2007 NRC agenda. Seconded by Commissioner Kramer. Motion carried by vote of all present.*

**AGENDA APPROVED**

### APPROVE MINUTES

*Motion was made by Commissioner Kramer to approve the minutes of March 8, 2007 and March 23, 2007 NRC meetings. Seconded by Commissioner Francisco. Motion carried by unanimous vote of all present.*

**MINUTES APPROVED**

## DIRECTOR'S REMARKS

Director Leopold announced his confirmation by the Senate of his appointment as Director of the Department of Natural Resources with a 50-0 vote.

Legislation concerning the DNR was discussed. Included were:

- splitting the DNR bill is postponed, thanks in part to the Resolution from the EPC and NRC.
- the water quality bill is dead for this session.
- water trails may receive \$5 million this year.
- REAP passed out of the joint Natural Resources Committee with a \$4.5 million increase.
- state parks received \$500,000 for seasonal help and interpretation and maintenance
- Angler's Bay \$1.5 million is questionable but many organizations are putting pressure on committees to correct this oversight.
- CREPII program proposal is continuing.
- Interagency Water Quality Task Force – A diverse water quality inter-division team is leading the department's efforts toward improving water quality. A Water Czar will to be named to oversee and coordinate.
- out of state deer hunting licenses—not expected to happen this year. Wildlife staff is surveying landowners regarding more nonresident deer hunters and also all hunters who would benefit by the additional revenue that would come to the agency.
- hunting access – bill introduced that would give a tax incentive based approach to land but it is felt that it will not happen this year. Survey indicates that Iowans do have access to hunt turkey and deer by using friends and family for access.

## CONSTRUCTION PROJECTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

Bids were opened March 21, 2007 for the following projects:

### Backbone State Park, Delaware County – Hatchery Stone Walls Replacement, Phase 1

This project consists of the removal of sections of existing masonry walls and their replacement as well as the construction of the gate opening as shown on the drawings and incidental work as required by the Plans. Project is budgeted 100% in REAP Open Spaces funds (see Capital Link item #125). DNR estimate is \$60,000. Seventeen sets of Plans were issued. Five bids were received.

Matt Construction, Inc.	Sumner, IA	\$ 64,034.00
Evergreen Lawn Care & Landscaping, L.L.C	Dyersville, IA	\$ 81,612.00
Masonry Construction, Inc.	Bellevue, NE	\$ 84,333.65
Seedorff Masonry, Inc.	Strawberry Point, IA	\$ 92,907.34
Tschiggfrie Excavating Co., Inc.	Dubuque, IA	\$110,055.00

Staff recommends award of a contract to Matt Construction, Inc., low bidder.

*Motion was made by Commissioner Francisco to approve the low bid of Matt Construction, Inc. of Sumner, Iowa, in the amount of \$64,034.00 for stone wall replacement at Backbone State Park in Delaware County. Seconded by Commissioner Kramer.*

Commissioner Moore noted that he is an acquaintance of Matt Construction and asked if he should abstain from the vote. Following short discussion it was determined there was no need for him to abstain from the vote.

*Motion carried by unanimous vote of all present.*

**CONSTRUCTION PROJECT APPROVED**

**Iowa River Corridor, Iowa County – Wetlands Construction**

This project consists of the construction of several new shallow water wetlands, compacted earthfill dikes, control structures and incidental work as required by the Plans and the DNR/NRCS Construction Inspectors. Project is budgeted 100% in Federal NRCS funds. DNR estimate is \$75,000 (see Capital Link item #40). Twenty-two sets of Plans were issued. Seven bids were received.

McCubbin Construction Corp.	Davenport, IA	\$ 52,913.00
Mark Seaton dba Seaton Construction	Deep River, IA	\$ 56,700.50
Brian Miller Excavating L.L.C.	Marengo, IA	\$ 66,073.00
Faas Construction, Inc.	Brooklyn, IA	\$ 86,845.40
Weaver's, Inc.	Tipton, IA	\$ 88,977.00
Vieth Construction Corp.	Cedar Falls, IA	\$ 91,455.00
Young Industries, Inc.	Blairstown, IA	\$100,752.00

Staff recommends award of a contract to McCubbin Construction Corp., low bidder.

*Motion was made by Commissioner Kramer to approve the low bid of McCubbin Construction Corp. of Davenport, Iowa, in the amount of \$52,913.00 for wetlands construction at the Iowa River Corridor in Iowa County. Seconded by Commissioner Moore. Motion carried by unanimous vote of all present.*

**CONSTRUCTION PROJECT APPROVED**

Bids were opened March 28, 2007 for the following projects:

**Storm Lake State Marina, Buena Vista County – Utilities**

This project consists of the construction of new utilities for the east half of the marina including gravity sewer, water, electrical and other related work as required by the Plans and the DNR Construction Inspector. Project is budgeted 50% in Marine Fuel Tax and 50% in Federal Boat

Safety (Coast Guard) funds (see Capital Link item #117). DNR estimate is \$ 200,000. Twenty sets of Plans were issued. One bid was received.

Schoon Construction, Inc.	Cherokee, IA	\$317,989.66
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Staff recommends award of a negotiated contract not to exceed \$220,000 to Schoon Construction, Inc., sole bidder.

*Motion was made by Commissioner Francisco to award a negotiated contract not to exceed \$220,000 to Schoon Construction, Inc. of Cherokee, Iowa for utilities construction at Storm Lake State Marina in Buena Vista County. Seconded by Commissioner Kramer. Motion carried by unanimous vote of all present.*

**CONSTRUCTION PROJECT APPROVED**

**Storm Lake State Marina, Buena Vista County – PCC Paving**

This project consists of the PCC paving of roadways, parking areas, and other related work as required by the Plans and the DNR Construction Inspector. Project is budgeted 70% in Park and Institutional Roads funds and 30% in Marine Fuel tax funds (see Capital Link item #117). DNR estimate is \$345,000. Nine sets of Plans were issued. Three bids were received.

K. Cunningham Construction Co., Inc.	Cedar Falls, IA	\$304,125.10
Paul Park Company, Inc.	Storm Lake, IA	\$354,047.34
Godbersen-Smith Construction Co., Inc.	Ida Grove, IA	\$388,150.20

Staff recommends award of a contract to K. Cunningham Construction Co., Inc., low bidder.

*Motion was made by Commissioner Moore to approve the low bid of K. Cunningham Construction Co., Inc. of Cedar Falls, Iowa, in the amount of \$304,125.10 for PCC paving at Storm Lake State Marina in Buena Vista County. Seconded by Commissioner Kramer.*

Short discussion ensued regarding the experiment of using porous concrete and the environmental benefits of filtering using this product.

*Motion carried by unanimous vote of all present.*

**CONSTRUCTION PROJECT APPROVED**

**Storm Lake State Marina, Buena Vista County – Dock Systems**

This project consists of the construction of new docking systems for the marina including boat slips, fishing piers, ramp loading docks, courtesy dock, gas service dock, Fisheries Bureau dock and other related work as required by the Plans and the DNR Construction Inspector. Project is budgeted Project is budgeted 50% in Marine Fuel Tax and 50% in Federal Boat Safety (Coast



Guard) funds (see Capital Link item #117). DNR estimate is \$ 300,000. Nine sets of Plans were issued. Two bids were received.

Midwest Industries, Inc.

dba Shore Station of Okoboji	Okoboji, IA	\$336,957.40
Water Works Docks and Boat Lifts, Inc.	LaCrosse, WI	\$447,218.30

Staff recommends award of a contract to Midwest Industries, Inc. dba Shore Station of Okoboji, low bidder.

*Motion was made by Commissioner Francisco to approve the low bid of Midwest Industries, Inc. dba Shore Station of Okoboji, Iowa, in the amount of \$336,957.40 for construction of new docking systems for the marina. Seconded by Commissioner Kramer.*

Discussion continued regarding the marina. It was noted that the marina may have minimal operation this season with seasonal park staff. Also noted was that the criteria of the new dock rules will apply to the marina.

*Motion carried by unanimous vote of all present.*

**CONSTRUCTION PROJECT APPROVED**

## LAND ACQUISITION

### Sac City Access, Sac County—Iowa Natural Heritage Foundation

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission's approval is requested for the acquisition of a parcel of land located on the Southwest side of Sac City approximately one mile south of U.S. Highway 20. Eighty acres of the subject tract are within the city limits of Sac City. The 356.17-acre tract is offered for \$238,800. The land was appraised for \$282,356 after being encumbered by a Wetland Reserve Program (WRP) easement.

Donald Kearn, Licensed Appraiser of Smith Land Service Co., Atlantic, Iowa submitted the appraisal. Jerry Gibson negotiated the purchase agreement.

The subject tract has 353.17 acres of recreational land, and 3.0 acres of road right-of-way. After restoration the tract will contain 101.3 acres of restorable/enhanced wetlands, 3 acres of abandoned railroad right-of-way, and 249 acres seeded to native prairie grasses. The tract will provide for much needed waterfowl production and migration habitat, and habitat for upland game as well as non-game wildlife species. The average CSR is not applicable since the majority of the tract is enrolled in the WRP.

Acquisition funding will be Prairie Lakes I Wetland Initiative - NAWCA Grant (85%) see Capital Link item #5 - 35% state funds and 50 % federal funding) and Pheasants Forever-local chapters (15%) Incidental closing costs will be the responsibility of the Department.

*Motion was made by Commissioner Francisco to approve the acquisition of a 356.17 acre tract of land located near Sac City for the price of \$238,800. Seconded by Commissioner Moore.*

A short discussion took place regarding a dollar calculation of the donation by the Iowa Natural Heritage Foundation since there is a difference between the appraised price and the purchase price. Commissioner Garst asked questioned how the department determines a dollar amount or acreage amount so that the DNR could thank or acknowledge an organization that has donated towards the acquisition of the land. She noted the difference between the appraised price and the purchase price of the land from the Iowa Natural Heritage Foundation and suggested that there should be acknowledgement of that donated amount. Garst offered that there needs to be a procedure to keep track of what organizations contribute to the department.

Linda Hanson reported that at the end of the fiscal year all land acquisition information is distributed that indicates the difference funding sources. She said she would bring that document to the next meeting. Hanson said information as to the donation by each individual organization has not been broken out but said that information could be split out in a separate document.

Commissioner Garst stated that perhaps these partners should be asked what their number is and acknowledge that, but added that to never report at the end of the year what they did for us seems like we are inadequately thanking them. She reiterated that in order to acknowledge our non profit partners, a procedure is needed to keep track of what these organization are doing for us so that at the end of the year we can say what they have done – project by project and at banquets, etc.

Linda Hanson stated that she would share this suggestion with staff. Ken Herring noted that generally the organizations have kept track of their own figures but that their measurement often is acres acquired.

Commissioner Garst also asked that a press release be issued in the Sac City newspaper area thanking the Iowa Natural Heritage Foundation for their involvement in this project.

Linda Hanson said she would take that request back to the department's communications staff and will report back to the commission.

*Motion carried by unanimous vote of all present.*

**LAND ACQUISITION APPROVED**

**Eight Mile Pits Wildlife Management Area, Winnebago County—Iowa Natural Heritage Foundation**

The Natural Resource Commission's approval is requested for the acquisition of a parcel of land located 4 miles east of Forest City and one half mile from the Eight Mile Pits Wildlife

Management Area. The 160-acre tract is offered for \$100,000. The land was appraised for \$172,000 after being encumbered by a Wetland Reserve Program (WRP) easement. [The Natural Resource Conservation Service acquired the WRP easement from the Iowa Natural Heritage Foundation for \$305,000 in October 2006.] Sellers have stipulated as a condition of sale that they retain the 2007 agricultural rights.

Fred Greder, Licensed Appraiser of Benchmark Agribusiness, Mason City, Iowa submitted the appraisal. Jerry Gibson negotiated the purchase agreement.

The subject tract has 16.15 acres of tillable land; 132.94 acres encumbered by a WRP easement; 3.46 acres in the building site (unencumbered); and 7.45 acres of road right-of-way and waste. After restoration the tract will contain 40 acres of cropland, 30 acres of wetlands, 5 acres of woodland, and 80 acres of grassland. There is a “turn of the century” wood frame house and Flat barn with no contributory value to the property. The tract will provide excellent habitat for nesting waterfowl and upland wildlife. The average CSR is not applicable since the majority of the tract is enrolled in the WRP.

Acquisition funding will be Prairie Lakes II Initiative - NAWCA (see Capital Link item #5). Incidental closing costs will be the responsibility of the Department.

*Motion was made by Commissioner Kramer to approve the acquisition of a 160 acre tract of land located four miles east of Forest City and one-half mile from the Eight Mile Pits Wildlife Management Area from the Iowa Natural Heritage Foundation for \$100,000. Seconded by Commissioner Francisco. Motion carried by unanimous vote of all those present.*

**LAND ACQUISITION APPROVED**

**Honey Creek/Destination State Park, Appanoose County—Grace Whitehead**

The Natural Resource Commission’s approval is requested to purchase a sewer line easement in Appanoose County. The sewer line is part of the larger sewer line corridor that stretches from the planned new facilities, at Destination State Park, to a DNR-owned wastewater treatment site. Grace Whitehead offers the 660 foot x 65 foot easement for \$1,000.

Travis Baker negotiated the purchase agreement.

This property is located in north central Appanoose County, Iowa. The small town of Iconium is located three-quarters of a mile to the west. The proposed sewer line would consist of the north 65 feet of the Whitehead property directly south county highway J-18.

State of Iowa appropriated Destination State Park funding will be used for this acquisition (see Capital Link item #171). Incidental closing costs will be the responsibility of the Department.

Linda Hanson noted that the sewer line easements are necessary for the planned new facilities at Honey Creek Destination State Park. She explained that a third easement purchase will be necessary for the property that is between the two easement purchases being discussed today.

*Motion was made by Commissioner Francisco to approve the purchase of a sewer line easement from Grace Whitehead in Appanoose County for the price of \$1,000. Seconded by Commissioner Garst. Motion carried by unanimous vote of all those present.*

**EASEMENT ACQUISITION APPROVED**

**Honey Creek/Destination State Park, Appanoose County—Thomas and Barbara Teno**

The Natural Resource Commission's approval is requested to purchase a sewer line easement in Appanoose County. The sewer line is part of the larger sewer line corridor that stretches from the planned new facilities, at Destination State Park, to a DNR owned wastewater treatment site. Thomas and Barbara Teno offer the 1,875-foot x 50-foot easement for \$10,000.

Travis Baker negotiated the purchase agreement.

This property is located in north central Appanoose County, Iowa. The small town of Iconium is located adjacent to the west. In May of 2004 the NRC approved the purchase, for \$4,000, of a 20 foot wide easement over the same area. It has been determined that an additional 50 feet is needed for construction, maintenance and repair of the sewer line. This acquisition would increase the easement area from 20 feet to 70 feet.

State of Iowa appropriated Destination State Park funding will be used for this acquisition (see Capital Link item #171). Incidental closing costs will be the responsibility of the Department.

*Motion was made by Commissioner Garst to approve the purchase of a sewer line easement in Appanoose County from Thomas and Barbara Teno for the price of \$10,000. Seconded by Commissioner Francisco. Motion carried by unanimous vote by those present.*

**EASEMENT ACQUISITION APPROVED**

**CONSERVATION EASEMENT, BOONE COUNTY--REUTTER**

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission's approval is requested to accept the donation of a conservation easement on 75.3 acres in Boone County. This easement shall serve to protect wooded land that is adjacent to DNR managed land that is part of the Saylorville WMA. Joseph and Janice Reutter of Ames, Iowa offer the donation of this easement.

Dan Kinsinger negotiated this easement.

The property is located approximately 1.5 miles southwest of Boone, Iowa and approximately 1.5 miles northwest of Ledges State Park. The land is a mix of steep rolling timber and timber bluffs overlooking the Des Moines River, open ridge top fields and evergreen tree plantings. There is an identified archaeological site and several Native American burial mounds on the

property. The property is part of the original Kate Shelley family farm, thus there is local folklore attached. The property is adjacent to the south edge of the Boone County Landfill.

The Reutters are conservation minded and concluded that they want to protect their land from future development. The easement will allow for a small building envelope in the southeast corner of the property and will allow the owners to continue to grow and sell Christmas trees on a designated portion just as they have done for the past several years. The conservation easement will be monitored by Forestry Bureau personnel.

No survey or fencing costs are anticipated. In the event that there is a future need for surveying it would be at the expense of the Department. The cost of a certified real estate appraisal to serve as a basis for the value of the development rights given up by the encumbrance of the conservation easement along with incidental closing costs will also be the responsibility of the Department.

Dan Kinsinger described the property and explained how potential conservation easements are brought to the Department's attention. He said this particular project came to the department's attention through the Forest Legacy Program. The property owners wanted to get an easement put on to the Forest Legacy Program but their property did not score high enough to fall into that program. The Forestry Bureau was very interested in helping the property owners and contacted the Realty Bureau which was able to move forward with the easement donation.

When asked if this property, because of its uniqueness, could become an acquisition or donation in the future, Mr. Kinsinger remarked that he is laying the groundwork for that right now. Mr. Kinsinger also presented a brief account of the historic Kate Shelley story.

*Motion was made by Commissioner Kramer to accept the donation of a conservation easement on 75.3 acres in Boone County from Joseph and Janice Reutter. Seconded by Commissioner Garst.*

Commissioner Garst asked that a local press release on the easement donation be made and remarked that this is a marketing or educational opportunity for the department to show this is a great way to protect your land.

*Motion carried by unanimous vote of those present.*

#### **EASEMENT DONATION APPROVED**

### **CONVEYANCE OF WANATA STATE PARK, CLAY COUNTY**

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission's approval is requested for the transfer of ownership of Wanata State Park (Wanata) from the state to Clay County for use by the Clay County Conservation Board (Board).

Wanata contains approximately 160 acres located immediately south of the City of Peterson in extreme southwestern Clay County. It was acquired by the state over the period of 1934 through 1941. Wanata is primarily timbered and is traversed by the Little Sioux River.

Wanata is currently managed by DNR Parks Bureau staff as a satellite area due to its remote location from other DNR parks. The Board has requested Wanata be transferred to Clay County, who is in the process of acquiring 80 acres adjacent to the southwest boundary of Wanata and proposes combining the two areas for management. They have long range plans to significantly enhance the public's use and enjoyment of the park. Plans include construction of a new boat ramp and parking area. The Board believes that consolidation of management and ownership will improve their ability to secure financial support for improvements. Also, the City of Peterson has approached the Board indicating their desire to participate in improving and managing the park.

Iowa Code Section 461A.32 allows for the proposed conveyance without consideration, and requires that the conveyances contain a reversion provision that provides when such lands cease to be used as a public park, title will revert to the state.

*Motion was made by Commissioner Francisco to transfer ownership of Wanata State Park from the state to Clay County for use by the Clay County Conservation Board. Seconded by Commissioner Moore. Motion carried by unanimous vote of those present.*

**TRANSFER APPROVED**

## **LAKE DARLING STATE PARK/WASHINGTON COUNTY TRAIL 28E AGREEMENT**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission's approval is requested to enter into a 28E Agreement for Partnering with Washington County to develop Trail Plan which will involve Lake Darling State Park. Washington County Conservation Board is engaged in developing a county wide trail plan. A portion of the trail plan will involve Lake Darling State Park. It is the intent to connect the state park with some of the local communities within the county. This 28E agreement is between the Department of Natural Resources (DNR) and the Washington County Conservation Board (WCCB). The WCCB is responsible for securing a grant from the Riverside Casino to help fund the cost of a Consultant to design and present a county wide trail plan to the County Board of Supervisors. The goal is for the County Board of Supervisors to accept this plan which will allow the Conservation Board and a local interest group to pursue funding to complete portions or phases and eventually the entire plan. In order to obtain the Riverside Casino grant, some matching funds from local people and other government agencies within the county were needed. Due to the importance of connecting this Park to its neighboring communities, the DNR Parks Bureau is committing \$2000.00 toward cost-sharing this effort.

*Motion was made by Commissioner Kramer to enter into a 28E Agreement for partnering with Washington County to develop a Trail Plan which will involve Lake Darling State Park. Seconded by Commissioner Garst. Motion carried by unanimous vote of those present.*

**AGREEMENT APPROVED**

**FRIENDS OF LAKE DARLING 28E AGREEMENT**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission's approval is requested to enter into a 28E agreement with the Friends of Lake Darling. The Iowa Department of Natural Resources (DNR) and the Friends of Lake Darling are partnering to provide a four seasons lodge with a 200 person capacity, kitchen, storage, restrooms, covered patio, geothermal heating and cooling, site work, utilities, and parking to be located at Lake Darling State Park Beach Area. Also to be built for the beach and boathouse users will be a smaller shelter and restroom, utilities, and free-standing shower and a playground. An ADA pedestrian walkway system will be constructed to connect all of these facilities. The project in its entirety is known as the Beach Complex and is estimated at \$930,000 (plus a 10% contingency).

The DNR will be responsible for design, bid letting, contract administration, construction and inspection of this beach complex. There was a \$250,000 legislative appropriation in fiscal year 2007. In addition, the DNR is providing \$50,000 for the pedestrian walkway and \$60,000 for the construction of a restroom to be funded with 2008 REAP Open Spaces Acquisition and Development. The Friends Group has received a \$343,500 grant from the Riverside Casino, over \$60,000 from various local governments, and over \$50,000 from private donors to date. Their fund-raising efforts are continuing and there are currently enough monies available to bid out the Lodge portion of this complex, scheduled to occur in June. The project will be let in two phases. Funds will be deposited with DNR plus a 10% contingency prior to bid lettings.

*Motion was made by Commissioner Garst to enter into a 28E Agreement with the Friends of Lake Darling for partnering to provide buildings and improvements at Lake Darling State Park Beach Area. Seconded by Commissioner Francisco. Motion carried by unanimous vote of those present.*

**AGREEMENT APPROVED**

**WASTEWATER TREATMENT REVOLVING LOAN FUND INTEREST REDUCTION**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.



The Natural Resource Commission on October 10, 1996 approved a resolution authorizing the Director to enter into a State Revolving Fund loan agreement through the Iowa Finance Authority in the principal amount of \$796,000 for the purpose of defraying the costs of construction of wastewater treatment improvements in certain state park facilities. A loan was issued on November 20, 1996 and funded such improvements at Lake MacBride, Springbrook and Viking Lake state parks. The interest rate on this loan is 4.19% payable over 20 years.

The Iowa Finance Authority has offered a reduction in the interest rate to the current rate of 3% over the remaining life of the loan for savings to the Department of \$45,221. The Natural Resource Commission is requested to authorize the Director to execute an amendment to the loan agreement to reflect the interest rate reduction.

*Motion was made by Commissioner Francisco to authorize the Director to enter into a State Revolving Fund loan agreement through the Iowa Finance Authority in the principal amount of \$796,000 for the purpose of defraying the costs of construction of wastewater treatment improvements at certain state park facilities. Seconded by Commissioner Moore. Motion carried by unanimous vote of those present.*

**AGREEMENT APPROVED**

**NOTICE OF INTENDED ACTION—CHAPTER 108, FURBEARER SEASONS**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve this Notice to amend Chapter 108, Furbearer seasons. These amendments allows a limited number of bobcats to be taken in the southern part of Iowa, closes the beaver trapping season on April 1 instead of April 15 and makes the grace period for both the otter and bobcat seasons the same at 48 hours.

**NATURAL RESOURCE COMMISSION [571]**  
**Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 108, Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red And Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf And Spotted Skunk Seasons, Iowa Administrative Code.

These amendments allows a limited number of bobcats to be taken in the southern part of Iowa, closes the beaver trapping season on April 1 instead of April 15 and makes the grace and tagging period for both the otter and bobcat seasons the same at 48 hours.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 17, 2007. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.com](http://www.iowadnr.com) or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515) 281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at



(515) 281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a formal public hearing on May 16<sup>th</sup> on the 4<sup>th</sup> floor of the Wallace Building. Interested persons should contact the Department at (515) 281-5918 for a list of hearing locations or go to the Department's website at [www.iowadnr.com](http://www.iowadnr.com). At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.6 , 481A.38 , 481A.39 , 481A.87 , and 481A.90.

The following amendments are proposed.

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ITEM 1. Amend rule 571--108.4(481A), as follows:

571-108.4(481A) Beaver. Open season for the taking of beaver shall be from 8 a.m. on the first Saturday in November through April ~~15~~ 1 of succeeding year. No bag or possession limit.

ITEM 2. Amend rule 571--108.6(481A), as follows:

571-108.6(481A) ~~Bobcat, g~~Gray (timber) wolf, and spotted skunk. Continuous closed season.

ITEM 3. Amend rule 571--108.7(481A):

571--108.7(481A) River otter and bobcat trapping.

108.7(1) License requirements. Each person who ~~traps~~ takes river otters or bobcats shall have a valid fur harvester license and pay the habitat fee if normally required to have a license to hunt or trap.

108.7(2) Areas open ~~to trapping~~. ~~Trapping for river otters is open~~ River otters may be taken statewide. Bobcats may be taken in the following counties: Adams, Appanoose, Clarke, Davis, Decatur, Des Moines, Fremont, Henry, Jefferson, Lee, Lucas, Mills, Monroe, Montgomery, Page, Ringgold, Taylor, Union, Van Buren, Wapello, and Wayne.

108.7(3) Quotas and Seasonal bag limit.

a. Seasonal bag limits. The seasonal bag limit is 2 river otters and 1 bobcat per ~~trapper~~ person.

b. Quotas. The quota for the number of river otters that may be taken is 400 statewide. The quota for the number of bobcats taken is 150 in the open area. The season shall end for river otters when the number of river otters trapped, as determined by the harvest reporting system, reaches 400. The season shall end for bobcats when the number of bobcats taken, as determined by the harvest reporting system, reaches 150. Trappers shall be allowed a ~~72~~ 48 hour grace period after the quota is reached to clear their traps of river otters or bobcats. River otters or bobcats found in traps during the grace period may be kept even though the quota is exceeded, as long as the trapper has not reached his or her personal bag limit. River otters or bobcats trapped after the grace period or in excess of the seasonal bag limit must be turned over to the department; the trapper will not be penalized.

108.7(4) Season dates. The season for ~~taking trapping~~ river otters and bobcats opens on the ~~first Saturday in November same date as the trapping seasons described in 571—108.1(481A)~~ and closes when the quota has been reached, as explained in this rule, or January 31 of the following year, whichever occurs first.

108.7(5) Reporting requirements.

a. ~~Anyone, A trappers,~~ including a landowner or tenant not required to have a furharvester license, who ~~takes traps~~ a river otter or bobcat must report the harvest to a DNR conservation officer or designated DNR employee within 24 hours. The ~~trapper~~ furharvester must arrange to receive a CITES tag or ~~Iowa River Otter Harvest Tag~~ from the officer or DNR employee within ~~72~~ 48 hours of the time the harvest is reported or before the river otter or bobcat is skinned, whichever first occurs.

b. ~~Conservation officer reporting.~~ Upon receiving a telephone report from a ~~trapper~~ that a river otter or bobcat has been legally taken, the conservation officers or DNR employee will call the department's harvest reporting system. The number of river otters and bobcats taken will be updated daily, and a message recorded on the department's telephone system. The number taken will be available 24 hours a day. ~~Trappers~~ Furharvesters may check the message daily to determine when the season closes and the grace period begins and ends. The department will use all practical means to publicize these dates.

108.7(6) Tagging requirements. Every river otter or bobcat that may legally be kept by a ~~trapper~~ must have a CITES or ~~Iowa River Otter Harvest T~~tag attached. Tags will be supplied by the conservation officer or designated DNR employee. The tag must remain with the pelt until the pelt is sold or used for other purposes that renders it no longer available for sale. Persons displaying river otters as taxidermy mounts or other decorative items must keep the tag in their possession as proof of legal harvest.

ITEM 4. Amend rule 571--108.8(481A):

571—108.8(481A) Accidental capture of a river otter or bobcat during a closed season. A person who accidentally captures a river otter or bobcat during a closed season or in a closed area or after the person's individual bag limit has been reached shall not be penalized provided that:

1. The river otter or bobcat is captured during a legal trapping season or as part of a legal depredation control process; and
2. A conservation officer is contacted within 24 hours and the river otter or bobcat and all parts thereof are turned over to a conservation officer as soon as practical.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

Mr. Herring reviewed the rule and also presented information on the history of the bobcat in the state as well as statistics compiled on bobcats.

*Motion was made by Commissioner Francisco to approve Notice of Intended—Chapter 108, Furbearer Season. Seconded by Commissioner Moore.*

Ken Herring related that the wildlife staff and Dr. Bill Clark of ISU agreed on this very conservative approach to Iowa's first regulated harvests of bobcats, given research showing that populations of bobcats are growing at 12% or greater.

Director Leopold added his support for the continued expansion of bobcats throughout Iowa.

*Motion carried on a 4 to 1 vote with Commissioner Kramer voting "nay".*

**NOTICE APPROVED**

**NOTICE OF INTENDED ACTION—CHAPTER 116, HUSH**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Approval is sought for a new rule, Chapter 116 that establishes procedures for the Help Us Stop Hunger (HUSH) deer donation program of the department.

HUSH has operated for four years without administrative rules. Because of its \$400,000+/year revenues and expenses, and many partners who have specific responsibilities to make it work smoothly, it is necessary to establish the operations on a more formal, legal basis.

There are no changes in the proposed rules from the way in which HUSH has operated, except for two new provisions. One is to establish a HUSH council, composed of the DNR and partners at the Food Bank of Iowa and Department of Agriculture and Land Stewardship, to recommend resolution to disputes that may arise.

The other is to create an opportunity to partner with other fund raising interest that may wish to participate in the deer donation program. Farmers and Hunters Feeding the Hungry (FHFH) has asked for this opportunity. It is a national program of a similar nature to HUSH, operated out of Maryland as a faith-based 501-C3 non-profit. In the last deer season, FHFH raised enough money from two Iowa chapters to process about 325 deer, in addition to those processed by HUSH. They contend they could create many more chapters and raise more money with assistance from HUSH.

All of the partners in HUSH, internal and external have reviewed and approved the proposed rule.

**NATURAL RESOURCE COMMISSION [571]  
Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission gives Notice of Intended Action to adopt new Chapter 116, "Help Us Stop Hunger Program Administration," Iowa Administrative Code.

This proposed new Chapter 116 establishes the operations for the Help Us Stop Hunger (HUSH) deer donation program that encourages deer harvest by hunters and the donation of deer into a system that provides free venison to Iowa's needy.

Any interested person may make written comments on this proposed new Chapter 116 on or before May 29, 2007. Such written materials should be directed to Ross Harrison, HUSH Coordinator, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034. Persons who wish to convey their views orally should contact Ross Harrison at (515)281-5973.

A public hearing will be held on May 29, 2007, at 1:30 p.m. in the east 4<sup>th</sup> Floor Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend a public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of special needs.

These amendments are intended to implement Iowa Code sections in 571--116.6(483A).

The following new Chapter is proposed.

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Adopt the following new Chapter 116:

### **Chapter 116**

#### **“Help Us Stop Hunger” Program Administration**

**571--116.1(483A) Purpose.** This chapter establishes the procedures for the administration of the help us stop hunger (HUSH) deer donation program. HUSH is established pursuant to Iowa Code section 483A.8(1) to encourage hunters, during periods of excessive deer populations, to harvest more deer than needed for personal consumption and to donate those deer to a program to feed Iowans in need.

#### **571—116.2(483A) Definitions.**

“HUSH” means the “Help Us Stop Hunger” program.

“Deer” means any wild deer legally taken in Iowa and deer confiscated as legal evidence if the confiscated carcass is considered by a conservation officer to be in good condition for donation.

“Field dressed” means that the deer has been properly bled and cleaned of its internal organs.

“Meat processor” means any business that is licensed by the department of agriculture and land stewardship's bureau of meat and poultry inspection, the USDA, or a neighboring state's department similar to Iowa's, to process meat for retail customers.

“Department” means the department of natural resources.

“Distributor” means the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, such other venison distribution service provider as shall be designated by future contract.

“Help us stop hunger coordinator” means an employee of the department who administers the deer donation program.

“Food Bank of Iowa” means the private, non-profit charitable organization incorporated under that name whose mission is to alleviate hunger and reduce food waste in Iowa.

**571—116.3(483A) Restrictions.** Deer is the only species of wildlife that shall be covered by the HUSH program. The entire deer carcass must be donated, but the hunter may keep the antlers, head and cape.

**571—116.4(483A) HUSH council.** There is hereby created a HUSH council. Members shall serve without additional compensation.

**116.4(1) Membership.** The HUSH council shall include the following voting members:

- a. The HUSH coordinator who shall serve as chair;
- b. An additional department representative designated by the department wildlife bureau chief ;
- c. A representative of the Food Bank of Iowa appointed by its executive director;
- d. The chief of the department of agriculture and land stewardship's bureau of meat and poultry inspection or its designee.

**116.4(2) Duties.**

- a. The council shall recommend to the department an annual per deer processing payment to meat processors and shall consider prices for similar services to retail customers in Iowa and nearby states to set a fair market price.
- b. The council shall recommend to the department an annual per deer administrative payment to the Food Bank of Iowa. The Food Bank of Iowa shall provide information to assist in this determination but shall not participate in any vote of the council in regard to the recommendation of the annual per deer administrative payment to the Food Bank of Iowa.
- c. The council shall make recommendations to the department to resolve conflicts or disputes in the operation of the HUSH program as brought to it by any person.
- d. The council shall adopt standards for participating lockers to meet in terms of their record of violations of the bureau of meat and poultry rules and natural resource rules.
- e. The council shall advise the department in the administration of HUSH.

**116.4(3) Administration.** The HUSH coordinator shall convene the council as needed to conduct business. A majority vote shall be required for action or decision by the council. The chief of the department wildlife shall have the right to over-rule the council for cause and shall provide the council with justification for the reasons. A quorum to conduct business shall consist of three council members, one of which shall be the HUSH coordinator.

**571—116.5(483A) Duties of the department.** During periods of excessive deer populations, the department shall promote the harvest of deer by hunters and the donation of deer at meat processors participating in HUSH. During periods of non-excessive deer populations, HUSH may continue with less emphasis on promotion to hunters.

**116.5(1) Meat processors.** The department shall enlist as many meat processors as available in HUSH and shall enter into uniform agreements with meat processors. The department shall provide forms for donations of deer by hunters, posters for meat processors to advertise their participation, venison pick-up receipts and invoices, and two-pound freezer bags for use by HUSH participants. The department shall provide informational and promotional materials to meat processors in regard to HUSH.

**116.5(2) Venison distributor.** The department shall enter into an annual agreement with the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, other service providers designated by future contract to carry out the duties described in 571--116.6(483A). The department shall pay the distributor a per deer rate of payment for

administrative services provided. The department shall make such payments to the distributor as described in the annual agreement for the purpose of making payments by the distributor to participating meat processors.

**571—116.6(483A) Duties of venison distributor.** In order to continue participation in HUSH, the distributor shall enter into an annual agreement with the department for venison pick-up from meat processors and distribution throughout Iowa and for the administration of financial accounts with meat processors. The distributor shall make reports to the department. The distributor shall be compensated by the department at a per deer rate as determined annually by the department with recommendations from the HUSH council.

**116.6(1)** Venison pick-up and distribution. The distributor shall cause timely pick up of venison from meat processors and distribution of the venison to its member social service agencies.

**116.6(2)** Payments to meat processors. The distributor shall make payments to meat processors at the rate set by the department. A record of each donated deer that provides information required by the department, an invoice from the meat processor, and a supporting record of the venison pick up shall be required of the meat processor prior to payment. With funding available from the department and correct submittal of this information from meat processors, payments shall be made to meat processors within thirty days.

**116.6(3)** Reports to the department. The distributor shall provide all records of each donated deer for which payment was made to the department by April 1 and shall keep accurate records of the amount of venison picked up from meat processors and distributed to qualified agencies, including copies of receipt/invoices from venison pickups.

**116.6(4)** Reimbursement to the department. If any funding provided by the department is unused for venison processing or administrative costs, all such unused funds shall be refunded to the department by May 1.

**571--116.7(483A) Meat Processors.**

**116.7(1)** Eligibility. To participate in the HUSH program, a uniform annual agreement which details the meat processor's participation shall be signed with each meat processor and the department by August 1 prior to the coming deer season. Exceptions to this date may be considered by the HUSH council with recommendations made to the department.

**116.7(2)** Requirements. Meat processors shall accept the entire field dressed carcass, as per 116.3, of a donated deer and shall not assess any fees or costs to donors. Information from the donor is required for each donated deer and shall be submitted on forms provide by the department. Payment shall not be made to a meat processor without this information.

**116.7(3)** Venison. Meat processors shall accept the entire donated deer, as per 116.3, if they determine the venison is in an acceptable condition. Deer shall be processed into pure ground venison with no additives, put into bags provided by the department and frozen prior to being received by a representative of the Food Bank of Iowa. Venison pick up shall be initiated by the meat processor by contacting its designated pick up person.

**116.7(4)** Venison pick up. At the time of venison pick up, the meat processor shall provide accurate information and an official signature on a form provided by the department. The meat processor shall retain one copy of the form for billing purposes and one copy for the meat processor's business records.



**116.7(5)** Billing the distributor. To receive payment for venison processing, the meat processor shall submit to the distributor a copy of the venison pick up and invoice form, the department form that provides information on each donated deer, and any additional information that is required by the department on the form provided.

**571--116.8(483A) Partnership with other organizations.** The department, at its own discretion, may enter into agreements with other organizations for the purpose of expanding the deer donation program. The department may include the offer of matching grants to pay for deer processing to organizations that acquire funding from sources other than the state of Iowa.

These rules are intended to implement Iowa Code sections in 571--116.6(483A)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

Ken Herring acknowledged and complimented Ross Harrison on the success of the HUSH program. He reviewed aspects of the Chapter 116 rule.

*Motion was made by Commissioner Moore to approve Notice of Intended Action—Chapter 116, HUSH. Seconded by Commissioner Kramer.*

Commissioner Francisco commented on 116.3 Restrictions. He asked that since there was no definition of cape, if it should read “cape and hide”, or as an alternative, list the definition of “cape”.

Mr. Herring offered to take that suggestion back to staff and with partners for their input.

*Motion carried by unanimous vote of those present.*

**NOTICE APPROVED**

## **HONEY CREEK HOTEL MANAGEMENT INTERIM AGREEMENT**

Ken Herring Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resources Commission’s approval is requested to extend and amend an interim hotel management agreement with Regency Hotel Management, LLC (Regency) to perform some pre-opening services for the Honey Creek Resort State Park (Park) development. The amended agreement would authorize Regency to provide some preliminary marketing, sales, and management services until it and the DNR execute a comprehensive agreement for the complete management of the Park. The DNR proposes to cap the costs for the interim agreement at no more than \$50,000 and to limit the duration to not past June 15, 2007.

The DNR has been working with Regency to develop the construction component of the Park pursuant to a construction management agreement the DNR executed with Regency in July 2006. Regency's role has expanded to start providing hotel marketing and early-advance sales. DNR and Regency are currently negotiating a comprehensive hotel management agreement that is very complex and requires review and approval outside the DNR. In the interim, DNR has executed an agreement in the amount of \$24,000 to compensate Regency during this negotiation; this amended contract would supplant that original agreement and include in the \$50,000 figure the \$24,000 already expended. The DNR feels that this interim contract will provide both additional time for more thorough negotiations, and compensation for Regency for services it is providing. This interim agreement will terminate upon execution of the comprehensive hotel management agreement.

Funding for this amended contract will come solely from the legislative appropriations dedicated to the Park. Any agreement that draws funds from the bond proceeds must be approved by bond counsel to the Honey Creek Premiere Destination Park Bond Authority, and as this amended contract has not been reviewed by bond counsel, the DNR will not use bond proceeds to pay for services provided pursuant to this amended agreement.

Ken Herring reviewed aspects of the agreement with Regency Hotel Management to perform some pre-opening services for the Honey Creek Resort State Park development.

*Motion was made by Commissioner Francisco to extend and amend an interim hotel management agreement with Regency Hotel Management, LLC to perform some pre-opening services for the Honey Creek Resort State Park development. Seconded by Commissioner Moore.*

Kelley Myers reviewed aspects of the interim hotel management agreement. She said this interim agreement will allow time for staff to assure that the negotiations on the comprehensive hotel management agreement are dealt with and reviewed adequately.

*Motion carried by unanimous vote of those present.*

#### **INTERIM AGREEMENT APPROVED**

### **GENERAL DISCUSSION**

Director Leopold presented Commissioner Schneider with a plaque noting her dedication and leadership to the citizens of Iowa. She is ending a two-term appointment as a NRC Commissioner. Schneider was thanked for her leadership on the commission and her commitment to the improvement of the natural resources in the state. The other commissioners and staff joined in extending best wishes to Commissioner Schneider.

Commissioners were presented with the latest copy of the Iowa Outdoors magazine. Many complimentary comments were made regarding the format and stories in the new magazine.



A short update on the Honey Creek Lodge re-bidding was presented. Aggressive outreach is taking place and it is hopeful that a bid package with alternative elements will be out at the end of the month. Various reasons why multiple bids were not received were talked about. A meeting is scheduled for April 23 to meet with the Bond Authorities to talk about bonding issues.

### NEXT MEETING DATES

The next meeting will be held May 10 at Crystal Lake in Hancock County.

### ADJOURNMENT

*Motion was made by Commissioner Francisco to adjourn the April 12, 2007 NRC meeting. Seconded by Commissioner Moore. Meeting adjourned at 11:00 a.m.*

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Richard A. Leopold, Director

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Joan Schneider, Chairperson

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Elizabeth Garst, Secretary

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